

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/191,047 11/12/98 ZUBEREC

S MS1-286US

022801 WM01/1010
LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE WA 99201

EXAMINER

ARMSTRONG, A

ART UNIT

PAPER NUMBER

2641

DATE MAILED:

10/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/191,047

Applicant(s)

ZUBEREC ET AL

Examiner

Angela A. Armstrong

Art Unit

2641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-9, 11-18, 20-35, 37 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 11-18, 20-35, 37, and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3, 6, 9, 13, 16-18, 21-28, 31, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over French St. George et al. (US Patent No. 6,018,711) in view of Salazar et al. (US Patent No. 5,774,841).
2. Regarding claims 1, 9, 13, 16-18, 21, 22, 23, 25-28, 33, 34, St. George teaches a communication system user interface with animated representation of the time remaining for a user to provide input to a recognizer which implements visual displays of time remaining, allows users the option to reset the recognition time remaining in order to correct recognition errors. St. George teaches an implementation of the system in a security access environment in which a time limit for recognition is ideal, wherein a time limit for access is provided as a means to deter unauthorized entry to the secured system. St. George further implements
speech recognition engine to recognize an utterance...listen for the utterance for a predetermined response time at col. 6, lines 9-67 continuing to col. 9, lines 1-19;
user interface configured ...to display a countdown graphic that changes with lapsing of the response time is taught by St. George at col. 6, lines 9-67 continuing to col. 9, lines 1-19;
the recognition engine becomes dormant or inactive at the expiration of the predetermined response time is taught by St. George at col. 8, lines 40-42

St. George does not teach a user interface configured to play an audible sound indicating recognition of the utterance, emitting an audible sound to indicate the recognition engine is in a dormant state nor a user interface to provide visual and auditory feedback indicating whether the speech recognition engine recognizes the utterance. However, refer to Salazar et al. who teach an adaptive speech recognition command and control apparatus and method which provides audio and visual feedback to the user upon the recognition or none recognition of user input utterances (col. 3, lines 58-67 continuing to col. 4, lines 1-17; col. 7, lines 18-55; and col. 11, lines 4-35)

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the user interface for a speech recognition system of St George to implement providing feedback to the user of a speech recognition system as taught by Salazar et al. because such a modification would ensure the user the recognition system was functioning properly and that the system vocabulary was current.

St. George teach that their system interface is applicable or usable in a plurality of networks, systems, communication devices, terminals and platforms (see col. 6, lines 9-16, and col. 9, lines 3-18).

Neither St. George nor Salazar et al. teach the “user interface restarts countdown graphic in the event the speech recognition engine recognizes the utterance.” However, it would have been obvious to modify the user interface system of St. George ‘711 to implement visual and auditory feedback as taught by Salazar et al, and to further modify the system to allow for the user interface restarting the countdown graphic, because such a modification would continually

Art Unit: 2641

grant the user the maximum response time for generating an utterance to be recognized, which would improve the usability and flexibility of the system.

3. Regarding claim 3, “..response time is configurable..” is taught by St. George at col. 7, lines 9-21.

4. Regarding claims 6, 14, 24, 31, and 39, “...user interface plays sound when the response time has elapsed” is taught by St. George at col. 8, line 67 continuing to col. 9, lines 1-3.

Claims 4-5, 7-8, 11-12, 15, 20, 29-30, 32, 35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over French St. George et al. (US Patent No. 6,018,711) in view of Salazar et al. (US Patent 5,774,841) as applied to claims 1, 9, 18, 23, 27 and 34 above, and further in view of VanBuskirk et al. (US Patent No. 6,075,534).

5. Regarding claims 4, 11, 20, 29, and 37, neither St. George nor Salazar et al. teach “...interface displays visual elements in a first color...” However, refer to VanBuskirk et al. Who teach a user interface for a speech recognition system which implements a minibar graphic that is used to provide status information of the functions of the recognition system via changing of the color of the graphic or a moving ribbon (refer to Figures 1A-7 and col. 4, lines 12-33).

Therefore, it would have been obvious to one of ordinary skill to modify the speech recognition user interface of St. George to implement the changing of the graphic color of

VanBuskirk et al., for the purpose of providing the user with more options in how they can monitor utterance input response time.

6. Regarding claims 5, 12, 30, and 35, "...countdown bar comprises a progress bar.." neither St. George 'nor Salazar et al. teach "...countdown bar comprises a progress bar..." However, refer to VanBuskirk et al. Who teach a user interface for a speech recognition system which implements a minibar graphic that is used to provide status information of the functions of the recognition system via changing of the color of the graphic or a moving ribbon (refer to Figures 1A-7 and col. 4, lines 12-33).

Therefore, it would have been obvious to one of ordinary skill to modify the speech recognition user interface of St. George to implement moving ribbon (applicant's progress bar) of VanBuskirk et al., for the purpose of providing the user with more options in how they can monitor utterance input response time.

7. Regarding claims 7, 15, 32, neither St. George nor Salazar et al. teach "...sleep mode...awakened to an active mode upon detection of starter utterance" However, refer to VanBuskirk et al. Who teach a user interface for a speech recognition system which implements a minibar graphic that is used to provide status information of the functions of the recognition system via indicating that the system is in sleep mode and can be awakened by either saying a proper command or by manual means (refer to col. 4, lines 42-51).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the user interface of St. George to implement the sleep/awaken methods of

VanBuskirk et al., for the purpose of ensuring the user's utterance is captured in a hands-busy environment.

8. Regarding claims 8 neither St. George nor Salazar et al. teach "...sleep mode...awakened to an active mode upon depression of a button". However, refer to VanBuskirk et al. Who teach a user interface for a speech recognition system which implements a minibar graphic that is used to provide status information of the functions of the recognition system via indicating that the system is in sleep mode and can be awakened by either saying a proper command or by manual means (refer to col. 4, lines 42-51).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the user interface of St. George to implement the sleep/awaken methods of VanBuskirk et al., for the purpose of providing the user with more control over when the system is activated and to safeguard against the system responding to extraneous noise.

Response to Arguments

9. Applicant's arguments with respect to claims 1, 3-9, 11-18, 20-35, 37, and 39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

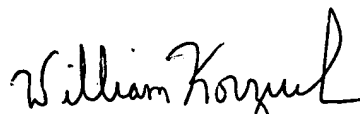
Art Unit: 2641

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on 703-305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6306 for regular communications and 703-308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

AAA
October 9, 2001


WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800